

U.S. District Court
Northern District of Alabama (Northeastern)
CIVIL DOCKET FOR CASE #: 5:20-cv-02022-LSC-NAD

Jones v. Willingham et al
Assigned to: Judge L Scott Coogler
Referred to: Magistrate Judge Nicholas A Danella
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 12/16/2020
Date Terminated: 03/28/2023
Jury Demand: Plaintiff
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff

Frederick D Jones

represented by **Frederick D Jones**
157783
Limestone Correctional Facility
28779 Nick Davis Road
Harvest, AL 35479
PRO SE

V.

Defendant

Kim Willingham
Parole Hearing Officer
TERMINATED: 02/24/2023

represented by **Gary L Willford , Jr**
Alabama Bureau of Pardons and Paroles
Legal Division
100 Capitol Commerce Blvd
Montgomery, AL 36117
334-353-4495
Fax: 334-315-4793
Email: gary.willford@paroles.alabama.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Alabama Board of Pardons and Paroles
TERMINATED: 02/24/2023

represented by **Gary L Willford , Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Terry Anthony
Assistant Director, Field Services
TERMINATED: 02/24/2023

represented by **Gary L Willford , Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Patricia Uselton
TERMINATED: 02/24/2023

represented by **Gary L Willford , Jr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Rolanda Calloway**

represented by **Benjamin H Albritton**
 ALABAMA ATTORNEY GENERAL'S
 OFFICE
 501 Washington Avenue
 Montgomery, AL 36130
 334-242-7300
 Fax: 334-242-2433
 Email: generalcivil@AlabamaAG.gov
ATTORNEY TO BE NOTICED

Defendant**Alabama Bureau of Pardons and Paroles***TERMINATED: 02/24/2023*

represented by **Gary L Willford , Jr**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/16/2020	<u>1</u>	COMPLAINT against Alabama Board of Pardons and Paroles, Terry Anthony, Kim Willingham, filed by Frederick D Jones. (MEB2) (Entered: 12/16/2020)
12/16/2020	<u>2</u>	MOTION for Leave to Proceed in forma pauperis by Frederick D Jones. (MEB2) (Entered: 12/16/2020)
01/06/2021	<u>3</u>	NOTICE OF DEFICIENT PLEADING – The plaintiffs application to proceed in forma pauperis (Doc. <u>2</u>) is deficient for the reasons indicated below. The plaintiff must correct the deficient pleading within thirty (30) days from the entry date of this order, in the manner explained below. The plaintiff must file an additional certified copy of his prison account statements obtained from the appropriate official at the Alabama Department of Corrections. Signed by Magistrate Judge Staci G Cornelius on 1/6/2021. (MEB2) (Entered: 01/06/2021)
01/14/2021	<u>4</u>	RESPONSE to <u>3</u> NOTICE OF DEFICIENT PLEADING filed by Frederick D Jones. (Attachments: # <u>1</u> Envelope)(MRR,) (Entered: 01/14/2021)
02/17/2021	<u>5</u>	ORDER terming motion for leave to proceed in forma pauperis, plaintiff is required to pay a partial filing fee, plaintiff is required to return signed attached consent form within 30 days. Signed by Magistrate Judge Staci G Cornelius on 2/17/2021. (PSM) (Entered: 02/17/2021)
03/01/2021	<u>6</u>	PRISONER CONSENT FORM by Frederick D Jones (MEB2) (Entered: 03/01/2021)
03/01/2021	<u>7</u>	Filing fee: \$ 15.00, receipt number B4601111741 (PSM) (Entered: 03/01/2021)
03/09/2021	<u>8</u>	MOTION to add an additional defendant by Frederick D Jones. (MEB2) (Entered: 03/09/2021)
03/15/2021	<u>9</u>	DEMAND for Jury Trial filed by Frederick D Jones (Attachments: # <u>1</u> Envelope)(MRR,) (Entered: 03/15/2021)
03/22/2021	<u>10</u>	ORDER that the court having received prisoner consent form the Warden is directed to deduct Monthly Payments from Prison Account of Frederick D Jones. Signed by Magistrate Judge Staci G Cornelius on 3/22/2021. (MEB2) (Entered: 03/22/2021)
04/14/2021	<u>11</u>	NOTICE of filing: Addendum by Frederick D Jones. (KEK) (Entered: 04/14/2021)
04/14/2021	<u>12</u>	NOTICE of filing: request for status update by Frederick D Jones. (KEK) (Entered: 04/14/2021)

04/21/2021	<u>12</u>	MOTION to add Respondents by Frederick D Jones. (MEB2) (Entered: 04/21/2021)
06/07/2021	<u>13</u>	NOTICE of Filing by Frederick D Jones (MEB2) (Entered: 06/08/2021)
06/14/2021	<u>14</u>	ORDER the warden or chief jailer of the prison or jail where the plaintiff is housed is DIRECTED to stop withholding money from the plaintiffs inmate account for payment of the filing fee in this case. Signed by Magistrate Judge Staci G Cornelius on 6/14/2021. (KAM) (Entered: 06/14/2021)
06/14/2021	<u>15</u>	ORDER On March 9 and April 21, 2021, the plaintiff filed motions to add additional defendants, which are construed as motions for leave to file an amended complaint. (Docs. 7, 12). Thus construed, the motions are GRANTED; To avoid a piecemeal review of the plaintiffs claims, the plaintiff must submit what the court will deem to be a final amended complaint. Therefore, the plaintiff SHALL, within 21 days. Signed by Magistrate Judge Staci G Cornelius on 6/14/2021. (KAM) (Entered: 06/14/2021)
06/30/2021	<u>16</u>	FINAL AMENDED COMPLAINT against Alabama Board of Pardons and Paroles, Alabama Bureau of Pardons and Paroles, Terry Anthony, Rolanda Calloway, Patricia Uselton, Kim Willingham, filed by Frederick D Jones. (MEB2) (Entered: 07/01/2021)
07/02/2021	<u>17</u>	NOTICE of Filing: Memorandum of Law/Supporting Final Amended Complaint by Frederick D Jones (MEB2) (Entered: 07/06/2021)
07/13/2021	<u>18</u>	NOTICE of Filing: Premature Response to defendants Answer to Complaint by Frederick D Jones (MEB2) (Entered: 07/13/2021)
08/09/2021	<u>19</u>	NOTICE of Filing: Request for rules of court by Frederick D Jones (MEB2) (Entered: 08/09/2021)
08/09/2021	<u>20</u>	MOTION for transfer of venue/ magistrate judge by Frederick D Jones. (MEB2) (Entered: 08/09/2021)
08/09/2021	<u>21</u>	NOTICE of Filing: Request for Interrogatories by Frederick D Jones (MEB2) (Entered: 08/09/2021)
08/11/2021	<u>22</u>	MOTION to Appoint Counsel by Frederick D Jones. (KEK) (Entered: 08/11/2021)
08/11/2021	<u>23</u>	REQUEST for Production of Documents by Frederick D Jones.(KEK) (Entered: 08/11/2021)
08/31/2021	<u>1</u>	Case reassigned to Magistrate Judge Nicholas A Danella. Magistrate Judge Staci G Cornelius no longer assigned to the case. (KAM) (Entered: 08/31/2021)
09/16/2021	<u>24</u>	ORDER On August 9, 2021, Plaintiff Jones filed a "Motion for Transfer of Venue/Magistrate Judge." <u>20</u> On August 31, 2021, this action was reassigned from Magistrate Judge Cornelius to the undersigned. Accordingly, the court DENIES the plaintiffs motion as MOOT. Signed by Magistrate Judge Nicholas A Danella on 9/16/2021. (PSM) (Entered: 09/16/2021)
09/16/2021	<u>25</u>	ORDER denying <u>22</u> Motion to Appoint Counsel. Signed by Magistrate Judge Nicholas A Danella on 9/16/2021. (PSM) (Entered: 09/16/2021)
09/16/2021	<u>26</u>	ORDER Based on the above explanation, Plaintiff Jones's requests for interrogatories and production of documents are DENIED as PREMATURE. Signed by Magistrate Judge Nicholas A Danella on 9/16/2021. (PSM) (Entered: 09/16/2021)
12/02/2021	<u>27</u>	MOTION for Judgment on the Pleadings by Frederick D Jones. (KAM) (Entered: 12/03/2021)
12/02/2021	<u>28</u>	NOTICE – Request for informal Special Report by Frederick D Jones (KAM) (Entered: 12/03/2021)
12/02/2021	<u>29</u>	NOTICE pursuant to 28 USC 1915A Jurisdiction to hear case pertaining to one claim only by Frederick D Jones (KAM) (Entered: 12/03/2021)

12/15/2021	<u>30</u>	ORDER As further stated within Plaintiff Jones's motion for judgment on the pleadings (Doc. <u>27</u>), and his other requests (Docs. <u>28</u> and <u>29</u>), are DENIED . Signed by Magistrate Judge Nicholas A Danella on 12/15/2021. (PSM) (Entered: 12/15/2021)
01/26/2022	<u>31</u>	NOTICE– writ of mandamus by Frederick D Jones (KAM) (Entered: 01/27/2022)
02/16/2022	<u>32</u>	Addendum by Frederick D Jones (KAM) (Entered: 02/16/2022)
03/04/2022	<u>33</u>	NOTICE – Writ of Mandamus by Frederick D Jones (KAM) (Entered: 03/04/2022)
03/04/2022	<u>34</u>	NOTICE of filing supporting documents of conspiracy/ violation o Constitutional Rights/ Corruption within system by Frederick D Jones re <u>33</u> Notice (Other) (KAM) (Entered: 03/04/2022)
03/10/2022	<u>35</u>	NOTICE of Change of Address by Frederick D Jones. (KEK) (Entered: 03/10/2022)
03/10/2022	<u>36</u>	ORDER TO FILE SPECIAL REPORT within 60 days from the date of this order; copies mailed to plaintiff; mailed with complaint to named defendants. Signed by Magistrate Judge Nicholas A Danella on 3/10/2022. (KEK) (Entered: 03/10/2022)
03/14/2022	<u>37</u>	ORDER – Jones's Writ of Mandamus <u>31</u> <u>33</u> , properly construed as motions for an expedited ruling, are DENIED as moot. Signed by Magistrate Judge Nicholas A Danella on 3/14/2022. (KAM) (Entered: 03/14/2022)
03/24/2022	<u>38</u>	ORDER On March 22, 2022, in Jones v. King, Case No. 5:21–cv–00112–MHH–NAD, Jones filed a notice of change of address, stating that he has been transferred to Staton Correctional Facility, in Elmore, Alabama. Based on that notice, the Clerk is DIRECTED to update the docket sheet in this case to reflect Jones's current mailing address. The Clerk is further DIRECTED to send to Jones, at his updated address (1) a copy of this order; (2) a copy of the order for special report <u>36</u> ; and (3) a copy of the March 14, 2022 order <u>37</u> . Signed by Magistrate Judge Nicholas A Danella on 3/24/2022. (PSM) (Entered: 03/24/2022)
03/24/2022	<u>39</u>	Opposition to re <u>36</u> <i>Objection to Special Report Order</i> filed by Alabama Board of Pardons and Paroles, Alabama Bureau of Pardons and Paroles, Terry Anthony, Patricia Uselton, Kim Willingham. (Willford, Gary) (Entered: 03/24/2022)
04/04/2022	<u>40</u>	RESPONSE to re <u>39</u> filed by Frederick D Jones. (KAM) (Entered: 04/05/2022)
04/07/2022	<u>41</u>	ORDER the undersigned construes Defendants' "Objection To Order For Special Report" <u>39</u> as a motion for leave to file a motion to dismiss in lieu of a special report, and that motion <u>39</u> is GRANTED . Defendants Alabama Board of Pardons and Paroles, Hearing Officer Kim Willingham, Parole Officer Patricia Uselton, and Assistant Field Director Terry Anthony are allowed 30 days from the date of this order to file a motion to dismiss. Plaintiff Jones then will have 30 days to file any response to Defendants' motion. Defendants then will have 14 days to file any reply to Jones's response. Signed by Magistrate Judge Nicholas A Danella on 4/7/2022. (PSM) (Entered: 04/07/2022)
04/19/2022	<u>42</u>	WAIVER OF SERVICE Returned Executed by Alabama Board of Pardons and Paroles, Alabama Bureau of Pardons and Paroles. Alabama Board of Pardons and Paroles waiver sent on 3/10/2022, answer due 5/9/2022; Alabama Bureau of Pardons and Paroles waiver sent on 3/10/2022, answer due 5/9/2022. (Willford, Gary) (Entered: 04/19/2022)
04/19/2022	<u>43</u>	WAIVER OF SERVICE Returned Executed by Kim Willingham. Kim Willingham waiver sent on 3/10/2022, answer due 5/9/2022. (Willford, Gary) (Entered: 04/19/2022)
04/19/2022	<u>44</u>	WAIVER OF SERVICE Returned Executed by Patricia Uselton. Patricia Uselton waiver sent on 3/10/2022, answer due 5/9/2022. (Willford, Gary) (Entered: 04/19/2022)
04/19/2022	<u>45</u>	

		WAIVER OF SERVICE Returned Executed by Terry Anthony. Terry Anthony waiver sent on 3/10/2022, answer due 5/9/2022. (Willford, Gary) (Entered: 04/19/2022)
05/06/2022	<u>46</u>	MOTION to Dismiss <i>Final Amended Complaint</i> by Alabama Board of Pardons and Paroles, Alabama Bureau of Pardons and Paroles, Terry Anthony, Patricia Uselton, Kim Willingham. (Willford, Gary) (Entered: 05/06/2022)
05/06/2022	<u>47</u>	Brief re <u>46</u> MOTION to Dismiss <i>Final Amended Complaint</i> filed by Alabama Board of Pardons and Paroles, Alabama Bureau of Pardons and Paroles, Terry Anthony, Patricia Uselton, Kim Willingham. (Willford, Gary) (Entered: 05/06/2022)
05/09/2022	<u>48</u>	MOTION for Extension of Time <i>Motion to Adopt and Incorporate by Reference the Motion to Dismiss filed by Alabama Board of Pardons & Paroles, or in the Alternative, Motion for Extension of Time</i> by Rolanda Calloway. (Albritton, Benjamin) (Entered: 05/09/2022)
05/11/2022	<u>49</u>	Plaintiff's Special Report/Request permission for discovery filed by Frederick D Jones. (KAM) (Entered: 05/11/2022)
05/12/2022	<u>50</u>	ORDER granting in part and denying in part <u>48</u> Motion for Extension of Time. Calloway's motion to adopt and incorporate by reference the motion to dismiss (<u>48</u> at 1) is DENIED. To the extent that Calloway were to request dismissal of the complaint, Calloway first must seek leave to file a motion to dismiss in lieu of a special report. Calloway's alternative motion for an extension of time to respond to the order for special report (<u>48</u> at 2) is GRANTED. For good cause shown, the deadline for Calloway to file a special report is continued generally, and will be reset after the court has ruled on the pending motion to dismiss <u>46</u> . Signed by Magistrate Judge Nicholas A Danella on 5/12/2022. (PSM) (Entered: 05/12/2022)
05/19/2022	<u>53</u>	Brief re <u>46</u> MOTION to Dismiss <i>Final Amended Complaint</i> filed by Frederick D Jones. (KAM) (Entered: 05/20/2022)
05/20/2022	<u>51</u>	MOTION to Strike <u>49</u> Response (other) <i>Exhibits and Affidavit</i> by Alabama Board of Pardons and Paroles, Alabama Bureau of Pardons and Paroles, Terry Anthony, Patricia Uselton, Kim Willingham. (Willford, Gary) (Entered: 05/20/2022)
05/20/2022	<u>52</u>	REPLY Brief filed by Defendants Alabama Board of Pardons and Paroles, Alabama Bureau of Pardons and Paroles, Terry Anthony, Patricia Uselton, Kim Willingham re: <u>46</u> MOTION to Dismiss <i>Final Amended Complaint</i> filed by Alabama Board of Pardons and Paroles, Alabama Bureau of Pardons and Paroles, Terry Anthony, Patricia Uselton, Kim Willingham. (Willford, Gary) (Entered: 05/20/2022)
05/23/2022	<u>54</u>	NOTICE by Frederick D Jones (KAM) (Entered: 05/23/2022)
05/25/2022	<u>55</u>	NOTICE by Frederick D Jones (KAM) (Entered: 05/25/2022)
06/02/2022	<u>56</u>	MOTION to supplement plaintiff's Special Report and Response to Defendant's Motion to Dismiss by Frederick D Jones. (KAM) (Entered: 06/03/2022)
06/08/2022	<u>57</u>	REPLY Brief filed by Defendants Alabama Board of Pardons and Paroles, Alabama Bureau of Pardons and Paroles, Terry Anthony, Patricia Uselton, Kim Willingham re: <u>52</u> Reply Brief, <i>Amended</i> filed by Alabama Board of Pardons and Paroles, Alabama Bureau of Pardons and Paroles, Terry Anthony, Patricia Uselton, Kim Willingham. (Willford, Gary) (Entered: 06/08/2022)
06/16/2022	<u>58</u>	ADDENDUM to Motion for Judgment on Pleading by Frederick D Jones. (KEK) (Entered: 06/16/2022)
06/27/2022	<u>59</u>	Supplement to MOTION for Judgment on the Pleadings by Frederick D Jones. (KAM) (Entered: 06/27/2022)

06/28/2022	<u>60</u>	Objection to Defendant's Motion To Strike Affidavit and Exhibits re: Doc. <u>56</u> page 4 filed by Frederick D Jones. (DNW) (Entered: 06/28/2022)
06/28/2022	<u>61</u>	MOTION For Judgment On Pleadings/ Alternate For Plaintiff To Submit The Following Discovery To Defendants re: Doc. <u>56</u> page 7 by Frederick D Jones. (DNW) (Entered: 06/28/2022)
01/17/2023	<u>62</u>	MOTION to Appoint Counsel by Frederick D Jones. (KAM) (Entered: 01/17/2023)
01/17/2023	<u>63</u>	NOTICE-- Request for permission to start discovery by Frederick D Jones (KAM) (Entered: 01/17/2023)
01/24/2023	<u>64</u>	ORDER – For the reasons stated within, the Parole Board Defendants' motion to strike (Doc. <u>51</u>) and Jones' pending motions (Doc. <u>56</u> ; Doc. <u>59</u> ; Doc. 61 ; Doc. <u>62</u>) are DENIED. Signed by Magistrate Judge Nicholas A Danella on 1/24/2023. (MEB2) (Entered: 01/24/2023)
01/24/2023	<u>65</u>	REPORT AND RECOMMENDATION – For the reasons stated within, the undersigned RECOMMENDS that the court construe Jones' request to dismiss his claims against Defendants Willingham and Uselton (Doc. <u>55</u> at 2) as a motion for voluntary dismissal without prejudice, and that the court GRANT the motion and DISMISS WITHOUT PREJUDICE Jones' claims against Defendants Willingham and Uselton. In addition, the undersigned RECOMMENDS that the court DISMISS WITH PREJUDICE Jones' claims against Defendant Alabama Board (and/or "Bureau") of Pardons and Paroles, and Defendant Anthony. The undersigned FURTHER RECOMMENDS that the court REFER back to the undersigned for further proceedings Jones' due process claim against Defendant Warden Calloway. Any party may file specific written objections within 14 days. Objections to R&R due by 2/7/2023. Signed by Magistrate Judge Nicholas A Danella on 1/24/2023. (MEB2) (Entered: 01/24/2023)
02/24/2023	<u>66</u>	MEMORANDUM OPINION AND ORDER – Having carefully reviewed and considered de novo all the materials in the court file, including the report and recommendation, the court ADOPTS the magistrate judge's report and ACCEPTS the recommendation. Accordingly, the court GRANTS Plaintiff Jones' motion for voluntary dismissal (Doc. <u>55</u> at 2) and DISMISSES the claims against Kim Willingham and Patricia Uselton WITHOUT PREJUDICE. The court GRANTS defendants Alabama Board/Bureau of Pardons and Paroles and Terry Anthony's motion to dismiss (Doc. <u>46</u>) and DISMISSES those claims WITH PREJUDICE. The court REFERS Plaintiff Jones' remaining claim against defendant Calloway to the magistrate judge for further proceedings (Doc. <u>65</u>). Signed by Judge L Scott Coogler on 2/24/2023. (MEB2) (Entered: 02/24/2023)
03/01/2023	<u>67</u>	REPORT AND RECOMMENDATION – For the reasons stated within, the undersigned RECOMMENDS that the court TRANSFER this case to the U.S. District Court for the Middle District of Alabama pursuant to 28 U.S.C. § 1404(a) ad 28 U.S.C. § 1406(a). Any party may file specific written objections within 14 days. Objections to R&R due by 3/15/2023. Signed by Magistrate Judge Nicholas A Danella on 3/1/2023. (MEB2) (Entered: 03/01/2023)
03/28/2023	<u>68</u>	ORDER OF TRANSFER – Accordingly, having considered the entire file de novo, including the report and recommendation, the court finds the magistrate judge's report is due to be ADOPTED and the recommendation is ACCEPTED. The court ORDERS that the sole remaining claim in this action be and hereby is TRANSFERRED to the United States District Court for the Middle District of Alabama. Signed by Judge L Scott Coogler on 3/28/2023. (MEB2) (Entered: 03/28/2023)